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JGB (Cayman) Ancona, Ltd. and JGB Plymouth Rock, LLC*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In re:

BRICKCHURCH ENTERPRISES, INC.

Debtor.

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Chapter 11

Case No. 8-22-70914-ast

**JGB'S WITNESS AND EXHIBIT LIST
FOR HEARING ON OCTOBER 26, 2022 AT 11:30 A.M. (ET)**

JGB Partners, LP, JGB Capital, LP, JGB (Cayman) Ancona, Ltd. and JGB Plymouth Rock, LLC and their affiliates (collectively "JGB"), respectfully submit this *JGB's Witness and Exhibit List for Hearing on October 26, 2022 at 11:30 a.m. (ET)* (the "Witness and Exhibit List") for hearing on (i) *JGB's Motion to Dismiss Pursuant to 11 U.S.C. §§ 305(a) and 1112 (b) of the Bankruptcy Code* [Doc. No. 44] (the "Motion to Dismiss"), and (ii) *Motion of the Debtor for Entry*

of an Order Approving the Debtor's Entry Into Exit Financing Commitment [Doc. No. 115] (the "Exit Financing Motion"), and respectfully designates the following witnesses and exhibits:

WITNESSES

1. Brett Cohen, JGB Partners, LP;
2. Charles Andros, Bay Point Advisors, LLC;
3. Any witness designated by any other party; and
4. Any rebuttal or impeachment witnesses.

JGB's EXHIBITS

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
<u>JGB Loan Documents</u>						
1.	Mortgage dated 7-25-18					
2.	Secured Promissory Note dated 7-25-18					
3.	First Default Notice dated 6-4-19					
4.	Second Default Notice dated 6-13-19					
5.	Third Default Letter dated July 5, 2019					
6.	Forbearance Agreement dated 7-11-19					
7.	Guaranty Agreement dated 7-11-19					
8.	Collateral Assignment of Rents, dated 7-25-2018					
9.	JGB Proofs of Claim [Claim Nos. 2–9]					
<u>State Court Foreclosure Action¹ Documents</u>						

¹ See *JGB Partners, LP, et al. v. Brickchurch Enters., Inc., et al.*, Index No. 6323202/2019 in the Supreme Court for the State of New York, County of Suffolk.

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
10.	Complaint for Foreclosure of a Non-Residential Mortgage dated 11-22-19 [State Court Doc. No. 1]					
11.	Motion for Default Judgment and Appointment of Referee dated 1-30-20 [State Court Doc. Nos. 24-47]					
12.	Order Granting Default Judgment and Appointing Referee dated 6-1-21 [State Court Doc. No. 72]					
13.	Motion to Confirm and Foreclose dated 10-20-21 [State court Doc. Nos. 75-86]					
14.	Report of Referee of Amount Due dated 7-27-21 [State Court Doc. No. 80]					
15.	Opposition to Motion to Confirm and Foreclose dated 10-29-21 [State Court Doc. No. 88]					
16.	Reply in Support of Motion to Confirm and Foreclose dated 11-4-21 [State Court Doc. Nos. 90, 95]					
17.	Order Confirming Referee's Report dated 1-14-22 [State Court Doc. No. 97]					
18.	Foreclosure Judgment dated 2-2-22 [State Court Doc. No. 99]					
19.	Brickchurch Appeal of Foreclosure Judgment dated 03-02-22 [State Court Doc. No. 100]					
20.	Notice of Sale dated 3-28-22 [State Court Doc. No. 102]					
21.	Order to Show Cause Requesting Stay of Foreclosure Sale dated 4-25-22 [State Court Doc. Nos. 103-07]					
22.	Opposition to Order to Show Cause Requesting Stay of Foreclosure Sale dated 4-24-22 [State court Doc. No. 108]					
23.	Order Denying Order to Show Cause Requesting Stay of Foreclosure Sale dated 4-26-22 [State Court Doc. No. 111]					
<u>Bankruptcy Case Docket and Transcripts</u>						

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
24.	Transcript of Conference Held on May 25, 2022					
25.	Transcript of Conference Held on June 29, 2022					
26.	Voluntary Petition, Schedules and Statement of Financial Affairs [Doc. No. 1]					
27.	Monthly Operating Report and Amended Monthly Operating Report for Period Ending May 31, 2022 [Doc. Nos. 36, 42]					
28.	Monthly Operating Report for Period Ending June 30, 2022 [Doc. No. 52]					
29.	Monthly Operating Report for Period Ending July 31, 2022 [Doc. No. 67]					
30.	Debtor's Chapter 11 Affidavit Pursuant to Local Rule 1007-4 of the U.S. Bankruptcy Court for the Eastern District of New York [Doc. No. 21]					
<u>Refinancing Documents</u>						
31.	Letter from Nathan Capital Group, dated 8-7-22					
<u>Listing of 366 Gin Lane Documents</u>						
32.	Debtor's Application in Support of the Retention of Nest Seekers LLC D/B/A Nest Seekers International as its Real Estate Broker [Doc. No. 54]					
33.	Nest Seekers Exclusive Rental Agreement, dated 8-5-22 (updated 8-23-22)					
34.	Nest Seekers Exclusive Agency Agreement, dated 8-5-22 (updated 8-23-22)					
35.	Gifkins Declaration [Doc. No. 54, Ex. B, pp. 22–26]					
36.	Nest Seekers Marketing Plan for 366 Gin Lane [Doc. No. 54, Ex. C, p. 28]					
37.	NestSeekers Int'l, <i>Selling the Hamptons</i> , https://www.nestseekers.com/selling-the-hamptons/ (last visited Aug. 8, 2022)					

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
38.	Zillow, 366 Gin Ln, Southampton, NY 11968, https://www.zillow.com/homedetails/366-Gin-Ln-Southampton-NY-11968/64507149_zpid/ (last visited Aug. 12, 2022)					
39.	Nest Seekers Int'l, <i>An Oceanfront Compound on Southampton's Gin Lane Relists for \$150 Million</i> , https://www.nestseekers.com/Company/Press/an-oceanfront-compound-on-southamptons-ginlane-re					
<u>Insurance Documents</u>						
40.	Colstan & Associates Inc., Insurance Binder, dated 8-8-22					
41.	Receipt for partial payment of insurance for \$12,209.19 to Morstan General Agency, dated 8-8-22					
42.	Confirmation of Coverage, Morstan General Agency, dated 8-5-22					
43.	Notice of Acceptance and Assignment for Insurance Financing, IPFS of New York, LLC, Account Number NYT-521748					
44.	Flood Insurance, Neptune, Notice of Payment Due, dated 7-10-22					
45.	Emails between Matt Kabatoff, Melanie Ann, Anne Prosser, Colstan, and JGB demonstrating Debtor's past due insurance payments dated October 2020					
46.	Email from Melanie Ann to JGB dated 10-5-2020 stating Mathew Kabatoff is "unable to cover insurance premiums on the Gin Lane Properties at present"					
47.	Emails from JGB to Colstan & Associates, dated between October 2020 and January 2021 demonstrating JGB insurance payments					

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
48.	Email from JGB to Colstan & Associates, dated 10-5-21 demonstrating JGB insurance payments					
49.	Referee Report, p. 88, detailing amounts paid by JGB for insurance					
50.	Email from Colstan & Associates to JGB, dated 7-22-21 demonstrating insurance proceeds paid to Brickchurch					
51.	First National Cashiers Check for \$28,254.93 paid to Brickchurch					
<u>JGB's Affidavits and FTI/Debtor's Appraisals</u>						
52.	Affidavit of Brett Cohen in Support of (I) JGB's Motion to Dismiss Pursuant to 11 U.S.C. §§ 305(A) And 1112(B) of the Bankruptcy Code and (II) JGB's Motion for Relief from the Automatic Stay Pursuant to Section 362(D) of the Bankruptcy Code [Doc. No. 71]					
53.	Appraisal of Real Property prepared by FTI Consulting [Doc. No. 70]					
54.	Affidavit of Mark S. Dunec in Support of (I) JGB's Motion to Dismiss Pursuant to 11 U.S.C. §§ 305(A) And 1112(B) of the Bankruptcy Code and (II) JGB's Motion for Relief from the Automatic Stay Pursuant to Section 362(D) of the Bankruptcy Code [Doc. No. 72]					
55.	Supplemental Affidavit of Mark S. Dunec in Support of (I) JGB's Motion to Dismiss Pursuant to 11 U.S.C. §§ 305(A) And 1112(B) of the Bankruptcy Code and (II) JGB's Motion for Relief from the Automatic Stay Pursuant to Section 362(D) of the Bankruptcy Code [Doc. No. 75]					
56.	Mark S. Dunec's Appraisal Review of October 2020 Vanderbilt Appraisal Update dated 8-21-22 [Doc. No. 75]					
57.	Reserved					

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
58.	Mark S. Dunec's Appraisal Review of April 2022 Vanderbilt Appraisal Update dated 8-21-22 [Doc. No. 75]					
59.	Mark S. Dunec's Appraisal Review of August 2022 Vanderbilt Appraisal Update dated 8-21-22 [Doc. No. 75]					
60.	Reserved					
61.	Reserved					
62.	Vanderbilt Appraisal Update dated 4-26-22					
63.	Vanderbilt Appraisal Update dated 8-3-22					
<u>The Debtor's Affidavits</u>						
64.	Affidavit of Louise Blouin dated 8-22-22 [Doc. No. 76]					
65.	Affidavit of Geoffrey Gifkins of NestSeekers dated 8-22-22 [Doc. No. 69]					
66.	Affidavit of Nicholas Hubbard of Nathan Capital Group dated 8-22-22 [Doc. No. 73]					
67.	Affidavit of Michael Vargas of Vanderbilt dated 8-22-22 [Doc. No. 74]					
<u>Deposition Transcripts</u>						
68.	Transcript of Deposition of Geoff Gifkins dated 8-24-22					
69.	Transcript of Deposition of Nicholas Hubbard dated 8-25-22					
70.	Transcript of Deposition of Mark Dunec dated 8-26-22					
71.	Transcript of Deposition of Louise Blouin dated 8-30-22					
72.	Transcript of Deposition of Brett Cohen dated 8-30-22					
<u>Miscellaneous</u>						

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
73.	Summary of Rents (undated) for rents in September 2019 and Summer 2021					
74.	Proof of Claim filed by Suffolk County Comptroller dated 8-20-22					
75.	Robb Report, <i>An Oceanfront Compound in Southampton Relists for \$150 Million</i> (last visited August 22, 2022)					
76.	27 East, <i>Water Hogs of the Hamptons, 2022</i> , https://www.27east.com/east-hampton-press/water-hogs-of-the-hamptons-2022-2007919/ (last visited August 16, 2022)					
77.	Siegler, M., Page Six, <i>Water company shames the Hamptons' billionaire water hogs</i> (Aug. 15, 2022), available at https://pagesix.com/2022/08/15/water-company-shames-hamptons-billionaires-water-hogs/?utm_source=email_sitebuttons&utm_medium=site%20buttons&utm_campaign=site%20buttons					
78.	Email dated 5-17-22 from R. Kanowitz to C. Robins					
79.	Email dated 6-2-22 from R. Kanowitz to C. Robins					
80.	Email dated 6-10-22 from M. Wyrick to C. Robins					
81.	Letter dated 6-15-22 from R. Kanowitz to C. Robins and the Debtor					
82.	Email dated 6-17-22 from C. Robins to R. Kanowitz					
83.	Email from Louise Blouin to Brett Cohen acknowledging delays in curing defaults dated 11-12-21					
84.	Morgan Stanley foreclosure complaint against Aberdeen dated 11-25-19					
85.	Schwartz summons with notice against Brickchurch for nonpayment of legal fees dated 3-11-22					
86.	NestSeekers, <i>366 & 376 Gin Ln Southampton NY 11968</i> (last visited August 22, 2022)					

Ex. No.	Description	Mkd.	Off.	Obj.	Adm.	Date
87.	Driveway Easement Agreement between Brickchurch and Aberdeen					
88.	Mark S. Dunec's Appraisal Review of December 2019 Vanderbilt Appraisal Update dated 8-26-22					
89.	Reserved					
90.	Email string from 10-9-22 to 10-18-22 RE: Meet and Confer and Bay Point Capital					
91.	Letter from Rivkin Radler to the State Court, dated January 13, 2022 [State Court Doc. No. 96]					
92.	Affirmation of Greg Kramer in Support of Motion to Confirm Referee's Report, Award Legal Fees, and Order a Judgment of Foreclosure [State Court Doc. No. 81]					
93.	Affirmation of Tamika N. Hardy in Support of Motion to Confirm Referee's Report, Award Legal Fees, and Order a Judgment of Foreclosure [State Court Doc. No. 84]					
94.	Affirmation of Leslie C. Thorne in Support of Motion to Confirm Referee's Report, Award Legal Fees, and Order a Judgment of Foreclosure [State Court Doc. No. 76]					
95.	Cohen Affidavit in Support of October 26, 2022 Hearing					
<u>Other</u>						
96.	Any exhibit designated by any other party					
97.	Any pleading or other document filed with the Court on the docket of the above-captioned case					
98.	Any exhibit necessary to rebut the evidence or testimony of any witness offered or designated by any other party					

JGB reserves the right to ask the Court to take judicial notice of pleadings and/or transcripts and/or documents filed in or in connection with the Debtor's bankruptcy case, to offer rebuttal exhibits, and to supplement or amend this Witness and Exhibit List at any time prior to the hearing

on October 26, 2022. Designation of any exhibit above does not waive any objections that JGB may have to any exhibit listed on any other party's exhibit list.

Dated: October 21, 2022

Respectfully submitted,

HAYNES AND BOONE, LLP

/s/ Richard S. Kanowitz

Richard S. Kanowitz
30 Rockefeller Plaza, 26th Floor
New York, NY 10112

*Attorneys for JGB Partners, LP,
JGB Capital, LP, JGB (Cayman) Ancona, Ltd.
and JGB Plymouth Rock, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic transmission via the Court's ECF system to all parties authorized to receive electronic notice in this case on October 21, 2022. A copy of the foregoing has also been provided to the Court in accordance with the Court's procedures.

/s/ Richard S. Kanowitz

Richard S. Kanowitz